

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

Jan 12, 2016

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARIO RODRIGUEZ-VENCES, (01),

Defendant.

No. 1:14-CR-2060-SMJ-01

**ORDER DENYING DEFENDANT'S  
MOTION FOR SENTENCING  
RELIEF UNDER THE FEDERAL  
PRISON BUREAU NON-VIOLENT  
OFFENDER RELIEF ACT OF 2003**

Before the Court, without oral argument, in the Defendant's Motion for Sentencing Relief Under the Federal Prison Bureau Non-Violent Offender Relief Act of 2003, ECF No. 36. On October 8, 2014, Defendant, Mario Rodriguez-Vences, pled guilty to being an Alien in the United States After Deportation in violation of 18 U.S.C. § 1326. ECF No. 33. He was sentenced to 30 months of imprisonment. ECF No. 34. Defendant now requests sentence relief pursuant to the Federal Prison Bureau Non-Violent Offender Relief Act of 2003; H.R. 3575(a).

The District Court can modify a sentence only upon motion from the Director of the Bureau of Prisons, a rule of criminal procedure, or a statute that "expressly grants the court jurisdiction to do so." *United States v. Lara-Nausa*,

1 No. 98 CR. 707-6 JFK, 2011 WL 2610559, at \*1 (S.D.N.Y. June 21, 2011)  
2 (quoting *United States v. Mendoza*, 118 F.3d 707, 709 (10th Cir 1997)).

3 Defendant brings forth no authority to substantiate his request for sentence  
4 relief. Rather, the act he relies on in support of his motion was merely pending  
5 legislation. *United States v. Velasco*, No. 99-CR-0066-006-CVE, 2009 WL  
6 3424187, at \*1 (N.D. Okla. Oct. 23, 2009). The Non-Violent Offender Relief Act  
7 of 2003 (H.R. 3575) derives from a series of bills that were apparently buried  
8 before being introduced in the Senate and was thus never enacted into law. *Id.*


9 Therefore, because there is no statutory authorization that provides the  
10 District Court with the discretion to modify Defendant's sentence, the District  
11 Court lacks jurisdiction to reduce Defendant's sentence.

12 The motion is denied.

13 Accordingly, **IT IS HEREBY ORDERED:** Defendant's Motion for  
14 Sentencing Relief Under the Federal Prison Bureau Non-Violent Offender Relief  
15 Act of 2003, **ECF No. 36**, is **DENIED**.

16 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order  
17 and provide copies to the all counsel and to the Defendant.

18 **DATED** this 12th day of January 2016.

19   
20 **SALVADOR MENDOZA, JR.**  
United States District Judge